

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

DONALD WESLEY,
Petitioner,

v.

No. 14-1211

UNITED STATES OF AMERICA,
Respondent.

ORDER GRANTING PETITIONER’S MOTION TO SUPPLEMENT
§2255 PETITION WITH ADDITIONAL SUPPORTING LAW
AND DENYING MOTIONS FOR APPOINTMENT OF COUNSEL

Before the Court are three motions filed by the Petitioner, Donald Wesley, an inmate at the Federal Correctional Institute in Yazoo City, Mississippi: (1) an October 9, 2014 motion to supplement the brief in support of the original § 2255 petition to include additional arguments (D.E. 5); (2) a September 3, 2014 motion requesting the appointment of counsel for assistance with matters pertaining to this petition (Docket Entry “D.E.” 4); and (3) a similar October 23, 2014 motion for the appointment of counsel (D.E. 6).

As to the motion to supplement, Wesley requests that the Court accept these additional arguments such that the United States “may have an opportunity to respond in full to all his claims.” (*Id.*) The Court GRANTS the October 9, 2014 motion (D.E. 5) to the extent that the supplemental authority shall be considered in conjunction with the Petitioner’s original petition.

In a civil case, the appointment of counsel is not a constitutional right, but is a “privilege [that] is justified only in exceptional circumstances.” *Stockman v. Berghuis*, 627 F. App’x 470, 475 (6th Cir. 2015)(citing *Lavado v. Keohane*, 992 F.2d 601, 605-06 (6th Cir. 1993)). Nothing

in Plaintiff's motions for appointment of counsel persuades the Court that there are exceptional circumstances in this case that warrant the appointment of counsel. Therefore, the motions for appointment of counsel (D.E. 4 & 6) are DENIED.

IT IS SO ORDERED this 22nd day of June, 2016.

/s/ J. DANIEL BREEN
CHIEF UNITED STATES DISTRICT JUDGE